

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17-CR-00129-01-DGK
	)	
WILLIAM LEE DELA CRUZ,	)	
	)	
Defendant.	)	

**ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION**

On March 26, 2018, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of Defendant to stand trial. That motion was granted and, prior to holding a hearing to determine the mental competency of Defendant, the Court entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of Defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. § 4247(b) and (c).

A competency hearing was held before Magistrate Judge Matt J. Whitworth on July 20, 2018. At the hearing, the parties stipulated that the Court could consider the forensic report from Dr. David M. Szyhowski, Psy.D., Forensic Studies Unit Psychologist, Licensed Clinical Psychologist, which concluded that Defendant is not competent to proceed at this time.

On July 23, 2018, Judge Whitworth entered a “Report and Recommendation” that Defendant is currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense (Doc. 34). No objection was filed by either party.

After an independent, de novo review of the record and applicable law, the Court

ADOPTS the Report and Recommendation of Judge Whitworth in its entirety, and finds that Defendant is not competent to stand trial at this time. It is further

ORDERED that Defendant is committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d) for hospitalization and treatment in a suitable facility for a reasonable time, up to 120 days, to determine whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit the trial to proceed.

**IT IS SO ORDERED.**

Date: August 8, 2018

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT